

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY A. MOSS,)
Petitioner,) No. C 10-1440 CRB (PR)
vs.) ORDER OF TRANSFER
GARY SWARTHOUT, Acting Warden,) (Docket # 2)
Respondent.)

Petitioner seeks federal habeas review of a conviction from Solano County Superior Court, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Petitioner is incarcerated at California State Prison, Solano, which also lies within the venue of the Eastern District of California. See *id.*

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see id. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because the County of Solano lies in the Eastern District of California, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: August 3, 2010


CHARLES R. BREYER
United States District Judge